

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**MARK F. GUIMOND and KALLIE A.
GUIMOND, on behalf of themselves and
others similarly situated,**

Plaintiffs,

v.

**TOYOTA MOTOR CREDIT
CORPORATION,**

Defendant.

C.A. No. 3:12-cv-00606-JAG

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
DEFENDANT TOYOTA MOTOR CREDIT CORPORATION'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendant Toyota Motor Credit Corporation ("TMCC") respectfully requests that, pursuant to Federal Rule of Evidence 201(b)(2) and (c)(2), the Court take judicial notice of the following legislative history attached as Exhibits 1 and 2, on the ground that legislative history is a matter of public record of which this Court may take judicial notice. *See Hinton v. Trans Union, LLC*, 654 F. Supp. 2d 440, 442 n.2 (E.D. Va. 2009) ("[I]t is well-settled that in ruling on a motion to dismiss, a court 'may properly take judicial notice of matters of public record.'") (citation omitted)); *see also Philips v. Pitt County Mem'l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009) ("In reviewing a Rule 12(b)(6) dismissal, we may properly take judicial notice of matters of public record."); *Terr. of Alaska v. Am. Can Co.*, 358 U.S. 224, 226-27 (1959) ("We are reinforced in this conclusion by the legislative history of the bill that became the repealing Act, a history of which we take judicial notice."). The Court may thus properly take judicial notice of Exhibit 1 and 2, as follows:

Exhibit 1 Equal Credit Opportunity Act Amendments & Consumer Leasing Act 1975, Hearings on S. 483, S. 1900, S. 1927, S. 1961, & H.R. 5616, S. Subcomm. on Consumer Affairs of the Comm. on Banking, Hous. & Urban Affairs, 94th Cong. 274 (statement of Forrest D. Jones on behalf of the Am. Bankers Assoc.) (1975)

Exhibit 2 122 Cong. Rec. S1912 (1976) (statement of Sen. Biden)

Attached as Exhibit 3 is the Declaration of Maria A. Sanders, Legislative Intent Service, Inc., attesting that attached Exhibits 1 and 2, listed as Exhibit B(15) and Exhibit A(6)(f), respectively, in the attached Declaration, are true and correct copies of the originals.

Respectfully submitted:

/s/ Ryan Jennifer Rosner
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Dated: October 26, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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